

**REMARKS**

Applicants respectfully acknowledge and extend their appreciation for the thoroughness of the detailed office action as it was applied to the claims as filed.

By this amendment, the applicants have revised the independent claims 1, 6, 11, 16, 21 and 22 to clearly differentiate the invention as now claimed from the prior art Brewer Patent, US 6,876,657 B1.

Applicants recognize that Brewer contains features that appear to overlap some of those claimed in the application as filed. However, an important feature that was not covered by Brewer and that is now covered by the claims is the capability of the system to perform "deep processing" as it is described at lines 10-12 of page 1 of the present specification which states:

"However, at times such as an HTTP request, the instructions may not be contained in the header and can only be ascertained by going beyond the header and delving into the data itself."

This searching beyond the header can unduly increase the amount of time consumed by the network server in processing the packets. The present invention is focused on a system and method for the expeditious and orderly handling of packets in such situations while maintaining the packet sequence.

Applicants respectfully submit that the rejection of claims 1 - 22 as being anticipated by Brewer is not valid in light of the amendments to all of the independent claims. Limiting the claims of the present application to "deep packet" processing instead of merely "processing" clearly differentiates the instant invention over the Brewer teachings. Inasmuch as claims 21 and 22 as filed contained language relating to "deep

packet” processing, there is ample support for the inclusion of this language into all of the independent claims.

More specifically, Brewer examines the packet headers and performs a filtering function thereon. However, this function appears to be limited to header inspection only and does not entail any “deep packet” processing as now claimed by applicants. Therefore, Brewer is limited to a rather simplified system of maintaining packet sequence.

Furthermore, the limitation in claims 4, 9, 14 and 19 relating to the size of the buffer capacity bears no relationship whatsoever to Brewer’s function performed by the packet forwarding engine 13. Applicants use a buffer capacity which is at least twice the size of the largest frame to be processed. On the other hand, Brewer says nothing about the size either of queue 102 which receives inputs having small (<200) bytes or queue 103 which receives inputs having a large (>200) bytes. Therefore, in addition to the distinguishing feature of “deep packet” processing that has been added to all of the independent claims by amendment, these dependent claims contain this additional distinguishing feature concerning buffer capacity.

Brewer also deals with so called exception packets which are not handled according to normal sequencing but instead are handled off line. These exception packets are ordered among themselves independent of the conventional “fast packets”. Applicants’ invention does not make allowances for these exception packets, but instead maintains a strict ordering of all of the data frames entering the input buffer.

These features of the claims as amended clearly overcome the §102 anticipation rejection. It is well recognized that prior art is anticipatory only if every element of the

claimed invention is disclosed in a single item of prior art in the form literally defined in the claim. Jamesbury Corp. v. Litton Indus. Products, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); Atlas Powder Co. v. du Pont, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); American Hospital Supply v. Travenol Labs, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984). Inasmuch as Brewer does not disclose, nor even remotely suggest, deep packet processing of the information packets, it cannot serve as prior art needed to support a §102 rejection. Therefore, there is ample basis for withdrawing the rejection.

### CONCLUSION

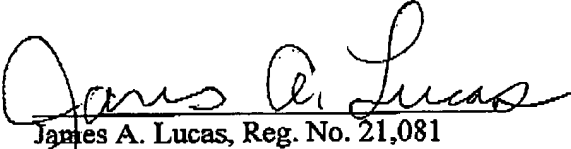
Applicants respectfully submit that the application is now in condition for immediate allowance. Claims 1-21 should, therefore, be deemed to be allowable and the examiner is respectfully requested to take such action as is consistent therewith.

If there are any minor matters that can easily be resolved by phone or by email, the examiner is encouraged to contact the undersigned as a step toward resolution.

Reconsideration and allowance are now respectfully requested.

Respectfully submitted,

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